

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT P. CASTO and MOLLY L. CASTO,  
Individually, and the marital community  
comprised thereof,

Plaintiffs,

v.

SEARS ROEBUCK AND COMPANY,

Defendant.

Case No. C06-5152 JKA

**ORDER GRANTING DEFENDANT'S  
MOTION FOR A DETERMINATION  
OF ITS REASONABLE ATTORNEYS'  
FEES FOR BRINGING ITS MOTION TO  
COMPEL RESPONSE TO ITS FIRST  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO PLAINTIFF**

This matter having come on regularly before this Court, and the Court having reviewed this Motion and Defendant's Motion to Compel Responses to Its First Interrogatories and Requests for Production to Plaintiff, and being advised,

The court notes that defendant includes a request for fees for the preparation of both the Motion to Compel and Declaration, as well as the Reply Brief and Supplemental Declaration. The plaintiff did not file a response to the motion, hence no reply was authorized. Accordingly defendant should not be awarded fees for preparing the Reply Brief and Supplemental Declaration. Accordingly defendant's request for fees (otherwise reasonable) in the amount of \$1,196.00, will be reduced by \$230.00 for a total award of \$966.00.

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion for a Determination of Its Reasonable Attorneys' Fees for Bringing Its Motion to Compel Response to Its First Interrogatories and Requests for Production to Plaintiff is GRANTED, as follows:

Defendant is awarded \$996.00 in attorneys' fees as the amount is reasonable under the circumstances.

DATED this 14th day of March, 2007.

/s/ J. Kelley Arnold  
**Honorable J. Kelley Arnold**  
**United States Magistrate Judge**

